

House Bill 33

By: Representatives Rice of the 51st, Scott of the 153rd, and Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to enact the "Religious Viewpoints
3 Antidiscrimination Act"; to provide that local school systems shall not discriminate against
4 a student based on a religious viewpoint expressed; to require local school systems to
5 establish a limited public forum for student speakers; to provide that students may express
6 religious beliefs in class assignments; to allow for religious groups and activities in the same
7 manner as other noncurricular groups and activities; to require each local school system to
8 adopt a policy on limited public forums and voluntary student expression of religious
9 viewpoints; to provide for a model policy; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
14 secondary education, is amended by adding a new article to read as follows:

15 "ARTICLE 21A

16 20-2-1060.

17 This article shall be known and may be cited as the 'Religious Viewpoints
18 Antidiscrimination Act.'

19 20-2-1061.

20 Every local school system in this state shall treat a student's voluntary expression of a
21 religious viewpoint, if any, on an otherwise permissible subject in the same manner that the
22 school system treats a student's voluntary expression of a secular or other viewpoint on an

otherwise permissible subject and shall not discriminate against a student based on a religious viewpoint expressed by such student on an otherwise permissible subject.

20-2-1062.

(a) To ensure that no local school system in this state discriminates against a student's publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the school system of a student's expression of a religious viewpoint, if any, each local school system shall provide for the establishment of a limited public forum for student speakers at all school events at which a student is to speak publicly. The policy adopted by each local school system pursuant to Code Section 20-2-1065 with respect to a limited public forum shall also require the school system to:

(1) Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;

(2) Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;

(3) Ensure that a student speaker does not engage in obscene, vulgar, lewd, or indecent speech; and

(4) State, in writing or orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the school system.

(b) The local school system disclaimer required by paragraph (4) of subsection (a) of this Code section shall be provided at all graduation ceremonies. The local school system shall also continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the school system's nonsponsorship of the student's speech.

(c) Student expression on an otherwise permissible subject shall not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

20-2-1063.

Students in local school systems in this state may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school system. Students shall not be penalized or rewarded based on the religious content of their work.

20-2-1064.

Students in local school systems in this state may organize prayer groups, religious clubs, 'see you at the pole' gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students' expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the local school system shall not discriminate against groups that meet for prayer or other religious speech. A local school system may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

20-2-1065.

Beginning with the 2009-2010 school year, each local school system in this state shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints in accordance with the provisions of this article. If a local school system voluntarily adopts and follows the model policy as contained in Code Section 20-2-1066, the school system shall be in compliance with the provisions of this article.

20-2-1066.

In this article, 'model policy' means a local policy adopted by a local school system that is substantially identical to the following:

'ARTICLE I

STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

The local school system shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the school system treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

ARTICLE IISTUDENT SPEAKERS AT NONGRADUATION EVENTS

The local school system hereby creates a limited public forum for student speakers at all school events at which a student is to speak publicly. For each speaker, the school system shall set a maximum time limit reasonable and appropriate to the occasion.

Student speakers shall introduce:

(1) Any athletic event designated by the school system;

(2) Opening announcements and greetings for the school day; and

(3) Any additional events designated by the school system, which may include, without limitation, assemblies and pep rallies.

The forum shall be limited in the manner provided by this article.

Only those students in the highest two grade levels of the school and who hold one of the following positions of honor based on neutral criteria shall be eligible to use the limited public forum: student council officers, class officers of the highest grade level in the school, captains of various sports teams, and other students holding positions of honor as the school system may designate.

An eligible student shall be notified of the student's eligibility, and a student who wishes to participate as an introducing speaker shall submit the student's name to the student council or other designated body during an announced period of not less than three days. The announced period may be at the beginning of the school year, at the end of the preceding school year so student speakers are in place for the new year, or, if the selection process will be repeated each semester, at the beginning of each semester or at the end of the preceding semester so speakers are in place for the next semester. The names of the volunteering student speakers shall be randomly drawn until all names have been selected, and the names shall be listed in the order drawn. Each selected student shall be matched chronologically to the event for which the student will be giving the introduction. Each student may speak for one week at a time for all introductions of events that week, or rotate after each speaking event, or otherwise as determined by the school system. The list of student speakers shall be chronologically repeated as needed, in the same order. The school system may repeat the selection process each semester rather than once a year.

The subject of the student introductions shall be related to the purpose of the event and to the purpose of marking the opening of the event, honoring the occasion, the participants, and those in attendance, bringing the audience to order, and focusing the audience on the purpose of the event. The subject shall be designated, a student shall stay on the subject, and the student shall not engage in obscene, vulgar, lewd, or indecent

speech. The local school system shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the school system treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

For as long as there is a need to dispel confusion over the nonsponsorship of the student's speech, at each event in which a student will deliver an introduction, a disclaimer shall be stated in written or oral form, or both, such as, "The student giving the introduction for this event is a volunteering student selected on neutral criteria to introduce the event. The content of the introduction is the private expression of the student and does not reflect the endorsement, sponsorship, position, or expression of the school system."

Certain students who have attained special positions of honor in the school have traditionally addressed school audiences from time to time as a tangential component of their achieved positions of honor, such as the captains of various sports teams, student council officers, class officers, homecoming kings and queens, prom kings and queens, and the like, and have attained their positions based on neutral criteria. Nothing in this policy eliminates the continuation of the practice of having these students, regardless of grade level, address school audiences in the normal course of their respective positions. The local school system shall create a limited public forum for the speakers and shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the school system treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

ARTICLE III

STUDENT SPEAKERS AT GRADUATION CEREMONIES

The local school system hereby creates a limited public forum consisting of an opportunity for a student to speak to begin graduation ceremonies and another student to speak to end graduation ceremonies. For each speaker, the school system shall set a maximum time limit reasonable and appropriate to the occasion.

The forum shall be limited in the manner provided by this article.

Only students who are graduating and who hold one of the following positions of honor based on neutral criteria shall be eligible to use the limited public forum: student council officers, class officers of the graduating class, the top three academically ranked

graduates, or a shorter or longer list of student leaders as the school system may designate. A student who will otherwise have a speaking role in the graduation ceremonies shall be ineligible to give the opening and closing remarks. The names of the eligible volunteering students shall be randomly drawn. The first name drawn shall give the opening and the second name drawn shall give the closing.

The topic of the opening and closing remarks shall be related to the purpose of the graduation ceremony and to the purpose of marking the opening and closing of the event, honoring the occasion, the participants, and those in attendance, bringing the audience to order, and focusing the audience on the purpose of the event.

In addition to the students giving the opening and closing remarks, certain other students who have attained special positions of honor based on neutral criteria, including, without limitation, the valedictorian, shall have speaking roles at graduation ceremonies. For each speaker, the local school system shall set a maximum time limit reasonable and appropriate to the occasion and to the position held by the speaker. For this purpose, the school system creates a limited public forum for these students to deliver the addresses.

The subject of the addresses shall be related to the purpose of the graduation ceremony, marking and honoring the occasion, honoring the participants and those in attendance, and the student's perspective on purpose, achievement, life, school, graduation, and looking forward to the future. The subject shall be designated for each student speaker, the student shall stay on the subject, and the student shall not engage in obscene, vulgar, lewd, or indecent speech. The school system shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the school system treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

A written disclaimer shall be printed in the graduation program and shall state, "The students who will be speaking at the graduation ceremony were selected based on neutral criteria to deliver messages of the students' own choices. The content of each student speaker's message is the private expression of the individual student and does not reflect any position or expression of the local school system, the local board of education, the administration of the school system, the employees of the school system, or the views of any other graduate. The contents of these messages were prepared by the student volunteers, and the school system refrained from any interaction with student speakers regarding the student speakers' viewpoints on permissible subjects."

190 ARTICLE IV

191 RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

192 A student may express his or her beliefs about religion in homework, artwork, and other
193 written and oral assignments free from discrimination based on the religious content of
194 the student's submission. Homework and classroom work shall be judged by ordinary
195 academic standards of substance and relevance and against other legitimate pedagogical
196 concerns identified by the school. Students shall not be penalized or rewarded based on
197 religious content. If a teacher's assignment involves writing a poem, the work of a
198 student who submits a poem in the form of a prayer (for example, a psalm) should be
199 judged on the basis of academic standards, including literary quality, and not penalized
200 or rewarded based on its religious content.

201 ARTICLE V

202 FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

203 Students may organize prayer groups, religious clubs, "see you at the pole" gatherings,
204 and other religious gatherings before, during, and after school to the same extent that
205 students are permitted to organize other noncurricular student activities and groups.
206 Religious groups shall be given the same access to school facilities for assembling as is
207 given to other noncurricular groups, without discrimination based on the religious content
208 of the group's expression. If student groups that meet for nonreligious activities are
209 permitted to advertise or announce the groups' meetings, for example, by advertising in
210 a student newspaper, putting up posters, making announcements on a student activities
211 bulletin board or public address system, or handing out leaflets, school authorities shall
212 not discriminate against groups that meet for prayer or other religious speech. School
213 authorities may disclaim sponsorship of noncurricular groups and events, provided that
214 they administer the disclaimer in a manner that does not favor or disfavor groups that
215 meet to engage in prayer or other religious speech."

216 **SECTION 2.**

217 All laws and parts of laws in conflict with this Act are repealed.